

Exhibits E-1 through E-12

Kinds of Housing Assistance Provided

Beginning with Exhibit E, all the exhibits that follow principally describe agency housing activities in contrast to describing on financial data identified in Exhibits A-D. Exhibits E-1 through E12 report the major activities that comprise agencies' expenditures (refer to Appendix 2, HCD Schedule Ds that agencies use to report housing activities).

Agencies assisted 16,255 households over FY 2005-06, a decrease of 21 percent over the previous year's number (20,493) of households assisted. This is the second sequential year that the number of households agencies assisted has decreased in number, paralleling the statewide decline in residential construction. In assisting households, agencies are required to keep records to report how housing funds were used, pursuant to H&SC Section 33080.4(a), by identifying information such as:

- the name of the reported project and/or activity,
- whether the agency or other entities or persons provided the assistance,
- the kind of assistance provided,
- whether a renter or owner was assisted, and
- whether assistance was provided to an elderly or non-elderly household.

Several exhibits reflect some agencies reporting that a few assisted households subsequently became "ineligible" (statewide count shows 147), which are excluded from the total count of households assisted. The term "ineligible" refers to households that, although eligible at the time of being assisted, subsequently became ineligible because of a change in circumstances. A change in income and/or family size at the time of last being surveyed to determine and verify eligibility can subsequently cause a household to be ineligible for the assistance received.

Activities Triggering H&SC Section 33413(b) Inclusionary Requirements

This section is commonly called the inclusionary or production requirement that is based on housing construction and rehabilitation completed in project areas created or expanded after 1975. The terms "inclusionary" or "production" refer to the requirement for agencies, within ten years, to ensure (*meaning include or produce*) a specified percentage of units are affordable over the duration of the project area plan (which can span more than 30 years). Agencies fulfill this requirement by assisting in the production of new or substantially rehabilitated affordable units within project areas. Agencies are allowed to fulfill their inclusionary housing obligations outside of project areas provided they meet the "2 for 1" provision that requires twice as many units to be produced outside as were required inside of project areas.

Exhibits E-1 through E-12 (continued)

Also, agencies have the option to meet up to 50 percent of their affordable housing inclusionary or production obligations by acquiring covenants (rental affordability restrictions for at least 55 years) on multifamily units, providing that at least half of the covenants assist very-low income households.

Most units reported in Exhibits E-1 through E-4 consist of those in which agencies control long-term affordability restrictions to meet inclusionary and/or replacement housing obligations that have accrued over the last ten years. Due to the changes in the law enacted by Chapter 942, Statutes of 1993, (Assembly Bill 1290), some units are referred to as Rehabilitation Pre 1994 and Substantial Rehabilitation Post 1993. For FY 2005-06, agencies reported 5,339 units as a credit toward meeting part of their inclusionary obligations. These inclusionary or production housing units consist of New Construction (4,146 out of a total of 7,079 - Exhibit E-1), Rehabilitation Pre 1994 (89 from a total of 114 - Exhibit E-2), Substantial Rehabilitation Post 1993 (855 out of a total of 1,169 - Exhibit E-3), and Acquisition of Covenants (249 - Exhibit E-4).

The inclusionary requirement is 30 percent for agency developed units and 15 percent for non-agency developed units in a project area. A further requirement is that 50 percent or more of agency developed inclusionary units must be made available to very-low income households. For non-agency developed units, the additional requirement is that at least 40 percent of inclusionary units be made available for very-low income households. To clarify, using a 100-unit project as an example, the 30 percent inclusionary requirement would be triggered by the agency developing 100 market-rate units using funds other than the Low-Mod Fund (other funds have to be used because housing funds can only be used to assist households with moderate and below incomes). These 100 project area units would trigger the 30 percent inclusionary obligation requiring the agency, within ten years, to ensure at least an additional 30 affordable units are made available (included or produced) in the project area and that at least 50 percent (15 of the 30 future inclusionary units) are affordable to very-low income households. For a similar non-agency developed project, the 15 percent inclusionary requirement would apply obligating the agency to produce 15 affordable units and additionally ensure 6 (40 percent of future 15 inclusionary units) are affordable to very-low income households. Information about agencies' increased inclusionary or production obligations from completed project area housing activities over the reporting year are discussed in Exhibit G.

Exhibits E-1 through E-12 (continued)

Inclusionary Requirement Changes

AB 1290 (1993) revised many provisions of redevelopment law including activities triggering the inclusionary or production requirements of H&SC Section 33413(b). Before enactment of the law, all new construction and any rehabilitation (minor or substantial) triggered the inclusionary requirement for agencies to ensure a percentage of units are affordable. AB 1290 also changed and lessened H&SC Section 33413(b) requirements as follows:

- (1) rehabilitation triggering the inclusionary requirement was changed to substantial rehabilitation (defined as the value constituting 25 percent of the post-rehabilitation value inclusive of land value) and,
- (2) substantial rehabilitation was specified to apply to all agency and non-agency developed multifamily rentals (consisting of three or more units) and just agency assisted single-family units.

Effective January 2002, Chapter 738, Statutes of 2001 (AB 637), revised the law to further lessen the inclusionary requirement on non-agency developed units by specifying all substantial rehabilitation (multifamily and single-family units) had to be agency assisted to trigger the inclusionary requirement to make agencies ensure additional units are affordable to low and moderate income persons. For example, before the law was amended in 2002, if non-agency entities substantially rehabilitated 100 multifamily units in a project area, 80 without agency assistance and 20 with agency assistance, the agency's increased inclusionary obligation amounted to 15 units (15 percent of 100 units). As a result of 2002 amendments, the agency's obligation decreased from 15 to 3 units (15 percent of 20 agency assisted units rather than all 100 units). AB 637 also amended the law to lengthen affordability periods from at least 30 years to at least 45 years for owner-occupied units and 55 years for rental units.

Activities Meeting Replacement Requirement (H&SC Section 33413(a))

As with the inclusionary requirement in which agencies have an obligation to ensure or produce additional affordable housing units within ten years, agencies have a replacement obligation (refer to Exhibit H). Many agencies interpret redevelopment law as allowing them to "double count" dwelling units constructed or substantially rehabilitated as meeting both a replacement and inclusionary obligation that is contrary to the Department's interpretation and advice.

Exhibits E-1 through E-12 (continued)

Agencies must replace, within four years, dwelling units affordable to low or moderate income households that have been removed from the housing market due to a redevelopment project in which the agency has provided assistance or was involved in a contract. In addition, agencies must ensure replacement units provide at least as many bedrooms as were included in the units removed and that replacement units be comparable in affordability to units removed triggering the replacement requirement. Activity reported as meeting agencies' replacement obligations total 1,082. Activities include New Construction (743 at Exhibit E-1), Rehabilitation Pre-1994 (25 at Exhibit E-2) and Substantial Rehabilitation Post-1993 (314 at Exhibit E-3).

Other Housing Assistance

Various other types of housing assistance that benefited 9,834 households cover all the remaining activities beyond those reported as satisfying agencies' inclusionary or replacement requirements discussed above. These various activities include 2,190 non-inclusionary construction units (Exhibit E-1); 3,722 non-inclusionary rehabilitation units (Exhibits E-5 and E-6); subsidies (777 households) reported in Exhibit E-11; acquisitions and preservation of units with Low-Mod Funds (672) reported in Exhibit E-7 and E-10; assisting households residing in manufactured homes and mobilehomes in parks (835) reported in Exhibit E-8 and E-9; and undefined other (1,638) reported in Exhibit 12.